



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

**NOTICE OF DECISION**  
***New London Zoning Board of Adjustment***

RE: MALCOLM AND INGRID WAIN

SEPTEMBER 23, 2009

You are hereby notified that on this date, the New London Zoning Board of Adjustment held a public hearing at the request of Malcolm and Ingrid Wain. The applicant requested an Area Variance to the terms of Article V, Section A, 1 to permit the continuance of an existing dwelling unit during the construction of a new replacement dwelling unit for the purpose of having a residence during construction. The existing structure will be removed when construction of the new building is completed.

**1. The proposed use would not diminish surrounding property values because:**

Mr. Horton felt that the circumstance would not diminish property values. Chair Green agreed. So did Mr. Lyon and Mr. Cross.

**2. Granting the variance would not be contrary to the public interest because:**

Mr. Cross said that he couldn't see any reason why it would not be a benefit to the public interest. He also said he would like to compliment the people on their thorough application and the approach they have taken. Mr. Lyon and Mr. Horton agreed with Mr. Cross. Mr. Wain said that he would like to thank Peter Stanley for his guidance and help with this project.

**3. Denial of the variance would result in unnecessary hardship to the owner because:**

**a) The following special conditions of the property make an area variance necessary in order to allow the development as designed:**

Mr. Lyon said that this was an unusual circumstance. Because of his experience as a past member of the Board of Selectmen, he was skeptical at first, but felt that the Wains were approaching the project in the appropriate way, including a time limit and a bond and agreement and on this basis, meets criteria for hardship. Mr. Cross and Mr. Horton agreed.

**b) The same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden because:**

Mr. Green said that he did not feel that there was another way to avoid financial burden. Mr. Lyon felt it met the criteria. Mr. Cross and Mr. Horton agreed.

**4. Granting the variance would do substantial justice because:**

Mr. Horton said that justice would be served on a small scale and it is the right thing to do. Mr. Lyon said that the application had been well completed and that they have approached this in a way that is fair to both parties. Mr. Cross agreed.

**5. The use is not contrary to the spirit of the ordinance because:**

The board agreed that the use was not contrary to the spirit of the ordinance because of the measures the Wains had gone through to insure that the old house would be taken care of after the new house was completed.

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Board of Selectmen P: 603-526-4821 x 10 F: 603-526-9494	Town Administrator P: 603-526-4821 x 13 F: 603-526-9494	Town Clerk-Tax Collector P: 603-526-4821 x 11 F: 603-526-9494	Finance P: 603-526-4821 x 21 F: 603-526-9494	Assessing P: 603-526-4821 x 20 F: 603-526-9494
Planning/Zoning P: 603-526-4821 x 16 F: 603-526-9494	Fire Department P: 603-526-6073 F: 603-526-6079	Police Department P: 603-526-2626 F: 603-526-2782	Public Works P: 603-526-6337 F: 603-526-9662	Recreation P: 603-526-4821 x 14 F: 603-526-9494

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**IT WAS MOVED, (Cort Cross) AND SECONDED (Bill Green) to accept the application for variance for Malcom and Ingrid Wain of 408 Sugarhouse Road, with the conditions of approval that have been provided by Mr. Stanley, and that the construction not begin until the agreement has been signed.  
THE MOTION WAS APPROVED UNANIMOUSLY.**

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William Green, Chairman

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Jeff Horten

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Courtland Cross

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Douglas Lyon